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wherein each of the pair of collets is configured to engage separate temperature indicator sticks upon rotation of the collet about the housing.

REMARKS

Claims 1-27 are pending in the present application. In the Office Action of October 21, 2002, the Examiner "objected" to claims 2 and 10. Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 3, 4, 7, 9, and 16-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (USP 6,290,413 B1) in view of OMEGAMARKER® Temperature Test Kit.

Applicant appreciates the Examiners indication of allowability of claims 10-15 and 22-27 and the indication of allowable subject matter in claims 2, 5, 6, and 8.

The Examiner objected to claims 2 and 10 stating that there is "insufficient antecedent basis for the limitation 'coupled to at least one annular lip of the housing.'" Applicant has amended claims 2 and 10 to correct an error in the phrase objected to that is believed to overcome this objection.

The Examiner rejected claim 6 under 35 U.S.C. 112, second paragraph stating that the limitation "configured to engage the threads of a collet" makes the claim unclear and further fails to state the structural relationship between the collet and the connector. Applicant disagrees.

Claim 6 calls for "at least one of the first and second indicator sticks has a ridge configured to engage threads of a collet during extension of one of the first and second indicator sticks from each other." If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. MPEP §2173.05(c). A person of ordinary skill in the art would necessarily interpret the claim to

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mean that the first and second indicator sticks include a ridge configured to engage the threads of a collet. The limitation of the claim is directed at the shape of the indicator stick and as such further limits the scope of claim 1. The limitation of a ridge is added to one of the first and second indicator sticks. The ridge is defined to be "configured" to engage the threads of a collet, but it does not call for a collet. The claim is not required to state every structural relationship between the collet and the connector and it need not positively recite the collet. Applicant believes the §112 rejection is not sustainable and respectfully requests that it be withdrawn.

The Examiner rejected claims 1, 3, 4, 7, 9, and 16-21 under 35 U.S.C. §103(a) over Wang (USP 6,290,413 B1) in view of OMEGAMARKER® Temperature Test Kit.

However, the OMEGAMARKER® Temperature Test Kit reference does not include any date. In fact, the Examiner specifically stated that the OMEGAMARKER® brochure had "no date" on the form PTO-892. As such, the §103 rejection is not sustainable. Applicant respectfully requests withdrawal of the §103 rejection.

Applicant believes claim 1 is allowable because claim 1 calls for a dual temperature indicator stick that includes a first indicator stick having a compound which melts at a first temperature, and a second indicator stick having a second compound which melts at a second temperature. The dual temperature indicator stick also includes a connector physically connecting the two indicator sticks in a single assembly. Such is not taught, disclosed, or suggested in the prior art of record. Applicant believes that such a dual temperature indicator stick, capable of indicating at least two temperatures, is novel and unobvious over the prior art of record.

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Similarly, claim 16 calls for a dual temperature indicator stick that includes a first means for indicating a first temperature and a second means for indicating a second temperature. The dual temperature indicator stick also includes a means for retaining the first means to the second means to form a single indicator stick capable of indicating at least two temperatures. Accordingly, Applicant believes claim 16 also defines over the art.

Therefore, in light of the foregoing, Applicant respectfully believes that claims 1 and 16 are patentably distinct over the art of record and as such, believes claim 3, 4, 7, 9, and 17-21 are allowable pursuant to the chain of dependency. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-27.

Marked-up versions of the amendments made above may be found on pages 6 and 7.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,


Timothy J. Ziolkowski

Registration No. 38,368

Direct Dial 262-376-5139

tiz@zpspatents.com

Dated: December 30, 2002
Attorney Docket No.: ITW7510.006

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, LLC
14135 North Cedarburg Road
Mcquon, WI 53097-1416
262-376-5170

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REVISIONS

2. (Once amended) The dual temperature indicator stick of claim 1 wherein the connector comprises:

a housing adapted to receive the first and second indicator sticks within the housing;

a pair of resistance mechanisms attached to the housing to limit rotational movement of the first and second indicator sticks about an axis;

a pair of collets having threads, each collet rotatably coupled to at least one annular ring of the housing; and

wherein each of the pair of collets is configured to engage separate temperature indicator sticks upon rotation of the collet about the housing.

10. (Once amended) A dual temperature indicator stick holder, the holder comprising:

a housing adapted to receive two temperature indicator sticks within the housing;

a pair of resistance mechanisms attached to the housing to limit rotational movement of the two temperature indicator sticks about an axis;

a pair of collets having threads, each collet rotatably coupled to at least one annular ring of the housing; and

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wherein each of the pair of collets is configured to engage separate temperature indicator sticks upon rotation of the collet about the housing.

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